RSA No.160 of 2001

1.3.2012 Present: Mr. Dharamvir Sharma, Advocate, for the appellant.

Mr. Ajay Chandel, Advocate, for respondent No.1.

Mr. Vinod Thakur, Dy. A.G. for respondent No. 2.

Day before yesterday, matter was adjourned to enable the learned counsel for the private respondent to obtain appropriate instructions. Today, it is stated by Mr. Ajay Chandel, learned counsel for respondent No.1 that only 9 Sqmts. out of the suit land was purchased by his client from the present appellant and that too way back in the year 1973, vide Ex.PD1.

It is seen from the findings recorded by the Court below that in fact the suit land belongs to the State Government. It is surprising that Collector, Mandi has not initiated any action for ejectment of encroacher(s) from public property . Why no action has been taken by the Collector, who is a party to the proceedings, is not evident from record.

In these circumstances, respondent No.2 is directed to file his personal affidavit stating reasons for such inaction. He would also state what further action is required to be taken in this regard. Such action, of course, shall be subject to the outcome of the present appeal.

Needful be positively done within a period of three weeks, failing which Collector, Mandi shall personally remain present to assist the Court.

List on **29.3.2012.**

Copy dasti.

1st March, 2012 **(Sanjay Karol),J.**

k.sharma